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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,843	08/30/2001	Tomio Iwasaki	16869S-033100US	2145
20350	7590 10/31/2002			
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR			EXAMINER	
			FOURSON III, GEORGE R	
SAN FRANC	CISCO, CA 94111-3834		ART UNIT	PAPER NUMBER
			2823	
			DATE MAILED: 10/31/2002	DATE MAILED: 10/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Applicant(s) Application No. Applicant(s) Applicant(s) Osfida 3,843 INASANI ET AL			ah			
Examin r George Fourson - The MAILING DATE of this communication app are on the c ver sheet with the c respondence address − Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of THIS COMMUNICATION. Educations of time may be available under the provisions of 3 of RT 1.138(a), in un overt, however, may a raply be timely filled with the profit or may reply and the provisions of 3 of RT 1.138(a). In one overt, however, may a raply be timely filled with the profit or may reply and the provisions of 3 of RT 1.138(a). In one overt, however, may a raply be timely filled with the profit or may reply and the provisions of 3 of RT 1.138(a). In one overt, however, may a raply be timely filled with the profit or may reply and the provisions of 3 of RT 1.138(a). In one overt, however, may a raply be timely filled with the profit or may reply and the provisions of 3 of RT 1.138(a). In one overt, however, may a raply be timely filled with the profit or may reply and the provisions of the provision of the provision of the provision provision of the provision provision of the provision provision of the provision of the provision of the provision of the provision of claims 4 (S) Claim(s) 1.15 is/are pending in the application. 4 (S) Claim(s) 1.15 is/are pending in the application. 4 (S) Claim(s) 1.15 is/are pending in the application. 4 (S) Claim(s) 1.15 are subject to restriction and/or election requirement. Applicant may not request that any objected to by the Examiner. 10) The drawing(s) filled on 30 August 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filled on 1. is a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The proposed drawing to request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 13) All		Application No.	Applicant(s)			
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-15 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) is/are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 30 August 2001 is/are: a accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	THE MAILING DATE OF THIS COMMUNICATION - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a re - If NO period for reply is specified above, the maximum statutory processed in the period for reply within the set or extended period for reply will, by statused the period for reply will, by statused the period patent term adjustment. See 37 CFR 1.704(b).	I. 1.136(a). In no event, however, may a sply within the statutory minimum of the d will apply and will expire SIX (6) Mo tute, cause the application to become	a reply be timely filed hirty (30) days will be considered timely. DNTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).			
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	2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice				

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Restriction to one of the following inventions is required under 35 U.S.C. § 121:

- I. Claims 14 and 15, drawn to processes, classified in Class 438, subclass 591.
- II. Claims 1-13, drawn to devices, classified in Class 148, subclass 33.3.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (M.P.E.P. § 806.05(f)). In the instant case the process as claimed can be used to produce another materially different product such as one which does not comprise ruthenium oxide or iridium oxide.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. See MPEP 203.08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703)308-7722(and 7724 and 7382). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.

George Fourson
Primary Examiner
Art Unit 2823

GFourson October 23, 2002